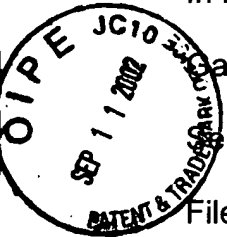




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Customer No. 22882
Express Mail No.: EV 044 233 613 US

#11/58
9-18-0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Gary K. Michelson, M.D.

Serial No.: 09/553,573

Filed: April 19, 2000

For: Artificial Hemi-Lumbar Interbody
Spinal Implant Having An Asymmetrical
Leading End And Method For
Installation Thereof

Group Art Unit: 3738

Examiner: B. Snow

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of English language abstracts or partial translations of the listed non-English documents (previously cited) are attached.

Please note that EP 0637440 is related to U.S. Patent No. 5,683,463; JP 57-29348 is related to U.S. Patent No. 4,349,921; JP 61-122859 is related to U.S. Patent No. 4,759,766; and ES 283078 is related to U.S. Patent No. 4,877,020; the U.S.

references having been submitted in the Information Disclosure Statement dated April 19, 2000.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO LLP

Date: September 11, 2002

By: 

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